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PATENT

Appeal Brief 09/932,863



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of: **Arun AHUJA, et al.**

Serial No.: **09/832,863**

Art Unit: **2154**

Filed: **April 12, 2001**

Examiner: **PATEL, Ashokkumar B.**

For: **METHOD AND SYSTEM FOR NOTIFYING CUSTOMERS OF TRANSACTION OPPORTUNITIES**

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Service Window – Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This Appeal Brief is being submitted after receiving a Notice of Panel Decision from Pre-Appeal Brief Review mailed June 25, 2007, in connection with the Final Office Action mailed January 22, 2007. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately. This Appeal Brief is being submitted within six months from April 23, 2007, the date the notice of appeal was filed with the Office, in accordance with § 41.31.

(1) Real Party In Interest

The real party in interest is CITIBANK, N.A., doing business at 399 Park Avenue, New York, New York 10043.

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(2) Related Appeals And Interferences

This application was previously appealed to the Board in connection with the decision of the Examiner mailed on July 8, 2005. The Appeal Brief was filed with the Board on April 4, 2006.

Appellants are unaware of any other related appeals and interferences involving this application.

(3) Status Of Claims

Claims 1-23 are pending. Claims 1-23 stand under final rejection, from which this appeal is taken. The outstanding rejections of claims 1-23 are as follows:

- (a) Claims 1-3, 5-17 and 19-23 under 35 U.S.C. §102(e) as being anticipated by Langseth (6,694,316); and
- (b) Claims 4 and 18 under 35 U.S.C. §103(a) as being unpatentable over Langseth in view of Rajan (6,633,910).

(4) Status of Amendments

No amendments have been filed subsequent to the final Office Action mailed January 22, 2007.

(5) Summary Of The Claimed Subject Matter

This summary of claimed subject matter is a concise explanation of the subject matter defined in independent claims 1, 7, 8, 19 and 23. This is merely meant to be a summary and is in no way intended to limit the pending claims.

Independent claim 1 provides a method for notifying a customer of at least one requested event (see, e.g., p. 5, l. 20- p. 6, l. 8; FIG. 1) comprising: providing the customer with access to a notification system, including, (i) determining a status of the customer as a

member customer or a non-member customer of an institution providing the notification system (see, e.g., p. 14, ll. 6-24; FIG. 13), (ii) generating access data for the customer (see, e.g., p. 14, ll. 6-24; FIG. 13), and (iii) prompting the customer for the access data (see, e.g., p. 14, ll. 6-24; FIG. 13); prompting the customer to select at least one requested event, wherein a member customer is provided with more event choices than a non-member customer (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); storing the customer's at least one requested event selection in a first database (see, e.g., p. 14, ll. 28-29; FIG. 13); prompting the customer to select at least one method of notification (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); storing the customer's at least one method of notification selection in the first database (see, e.g., p. 14, ll. 28-29; FIG. 13); prompting the customer to select at least one time for notification (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); storing the customer's at least one time for notification selection in the first database (see, e.g., p. 14, ll. 28-29; FIG. 13); receiving trigger data from at least a second database into the notification system that triggers the at least one requested event (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); formulating a notification message that includes information about the at least one requested event (see, e.g., p. 15, ll. 2-3; FIG. 13); and sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification (see, e.g., p. 15, ll. 2-3; FIG. 13).

Independent claim 7 provides a system for notifying a customer of at least one requested event (see, e.g., p. 5, l. 20- p. 6, l. 8; FIG. 1) comprising: means for providing the customer with access to a notification system, including, (i) means for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system (see, e.g., p. 14, ll. 6-24; FIG. 13), (ii) means for generating access data for the customer (see, e.g., p. 14, ll. 6-24; FIG. 13), and (iii) means for prompting the customer for the access data (see, e.g., p. 14, ll. 6-24; FIG. 13); means for prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); means for storing the customer's at least one requested event selection (see, e.g., p.

14, ll. 28-29; FIG. 13); means for prompting the customer to select at least one method of notification (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); means for storing the customer's at least one method of notification selection (see, e.g., p. 14, ll. 28-29; FIG. 13); means for prompting the customer to select at least one time for notification (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); means for storing the customer's at least one time for notification selection (see, e.g., p. 14, ll. 28-29; FIG. 13); means for receiving trigger data from at least a second database into the notification system that triggers the at least one requested event (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); means for formulating a notification message that includes information about the at least one requested event (see, e.g., p. 15, ll. 2-3; FIG. 13); and means for sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification (see, e.g., p. 15, ll. 2-3; FIG. 13).

Independent claim 8 provides a system for notifying a customer of at least one requested event (see, e.g., p. 5, l. 20- p. 6, l. 8; FIG. 1) comprising: means for generating a customer's financial notification preferences which include, (i) at least one requested event (see, e.g., p. 13, l. 23- p. 14, l. 5; FIG. 12), (ii) a customer's notification method preferences (see, e.g., p. 13, l. 23- p. 14, l. 5; FIG. 12), and (iii) a customer's time for notification preferences (see, e.g., p. 13, l. 23- p. 14, l. 5; FIG. 12); a database containing the customer's financial notification preferences (see, e.g., p. 14, ll. 25-28; FIG. 12; FIG. 13); a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); a notification message generator for comparing the at least one requested event with the financial information and generating a notification message when the financial information matches the at least one requested event (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); a notification gateway for sending the notification message to the customer according to the customer's notification method preferences and time for notification preferences (see, e.g., p. 15, ll. 2-3; FIG. 13); and a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification

message sent to the customer during a customer selected period of time (see, e.g., p. 8, ll. 20-26).

Independent claim 19 provides a method for formulating an alert message containing financial information for a customer (see, e.g., p. 7, l. 30- p. 8, l. 3) comprising: storing an alert prompt in a first database of a notification system hosted by a financial institution, wherein the alert prompt includes, (i) prompt details (see, e.g., p. 8, ll. 20-26), (ii) a preferred method for notifying the customer of the alert message (see, e.g., p. 8, ll. 20-26), and (iii) a preferred time for notifying the customer of the alert message (see, e.g., p. 8, ll. 20-26); receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); comparing the incoming financial information with the prompt details of the alert prompt in the first database (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); and notifying the customer through the preferred method at the preferred time through an alert message when the prompt details match the incoming financial information (see, e.g., p. 15, ll. 2-3; FIG. 13).

Independent claim 23 provides method for notifying a customer of at least one requested event (see, e.g., p. 5, l. 20- p. 6, l. 8; FIG. 1) comprising: providing the customer with access to a notification system, including, (i) determining a status of the customer as a member customer or a non-member customer of a host institution providing the notification system (see, e.g., p. 14, ll. 6-24; FIG. 13), (ii) generating access data for the customer (see, e.g., p. 14, ll. 6-24; FIG. 13), and (iii) prompting the customer for the access data (see, e.g., p. 14, ll. 6-24; FIG. 13); prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); prompting the customer to select at

least one method of notification (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); prompting the customer to select at least one time for notification (see, e.g., p. 14, ll. 25-28; FIG. 10; FIG. 12); formulating an alert prompt wherein the alert prompt includes, (iv) the at least one requested event (see, e.g., p. 15, ll. 2-3; FIG. 13), (v) the customer's at least one method of notification (see, e.g., p. 15, ll. 2-3; FIG. 13), and (vi) the customer's at least one time for notification (see, e.g., p. 15, ll. 2-3; FIG. 13); storing the alert prompt in a first database of the notification system (see, e.g., p. 14, ll. 28-29; FIG. 13); receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host institution (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); comparing the incoming financial information with the at least one requested event of the alert prompt in the first database (see, e.g., p. 14, l. 29- p. 15, l. 4; FIG. 13); and sending a notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification when the at least one requested event matches the incoming financial information (see, e.g., p. 15, ll. 2-3; FIG. 13).

(6) Grounds Of Rejection To Be Reviewed On Appeal

Claims 1-23 are rejected as follows:

(A) Claims 1-3, 5-17 and 19-23 under 35 U.S.C. §102(e) as being anticipated by Langseth (6,694,316); and

(B) Claims 4 and 18 under 35 U.S.C. §103(a) as being unpatentable over Langseth in view of Rajan (6,633,910).

(7) Arguments

(A) The rejection of claims 1-3, 5-17 and 19-23 under 35 U.S.C. §102(e) as being anticipated by Langseth is improper.

For each of the independent claims 1, 7, 8, 19 and 23, the undersigned submits that the following limitations listed for each claim are not disclosed in Langseth and thus Langseth cannot anticipate claims 1-23 as suggested by the Office.

Regarding independent claims 1 and 23, the Office asserts the following limitations are anticipated by Langseth:

- determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system
- prompting the customer to select at least one requested event, wherein a member customer is provided with more event choices than a non-member customer

Similarly, in independent claim 7, the Office asserts the following limitation is anticipated by Langseth:

- means for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system
- means for prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer

The undersigned respectfully disagrees with the Office's interpretation of the present claims in view of Langseth. Langseth discloses a generic notification system to which subscribers may subscribe to receive notification services. More specific entities, e.g., affiliates such as financial institutions, communications companies, Internet companies or the like, may be used to pass the notification information generated by the generic notification system to subscribers who are also customers of the affiliates or to act merely as referral sources for the generic notification system. (See Col. 9, lines 42-44). In order to receive notifications offered by the generic notification system, all subscribers are necessarily customers/subscribers to the generic notification system. Subsets of the customers/subscribers may also be customers of affiliates. The information that the affiliates provide to their customers may be different from that provided by the generic notification system, but this determination is made by the affiliate, not the generic notification system.

Accordingly, the generic notification system does not make any determination regarding member and non-member customers. Similarly, the affiliates do not distinguish between member and non-member customers as they deal only with their own customers. Using the example in Langseth, in order to anticipate claims 1, 7 and 23 of the present application, the generic notification system would need to distinguish between member and non-member customers --- which it does not do. And further, the generic notification system would need to provide fewer choices to non-member (as compared to member) customers --- which it does not do.

With respect to claims 1, 7 and 23, the Office suggests that member customers are, “a subscriber or any individual or entity that signs up to receive a service;” the services being exemplified in col. 3, line 59 to col. 4, line 10 of Langseth. (See Page 3 of Final Office Action). And the Office argues that non-member customers are “affiliate and affiliate’s customers” referring to col. 4, lines 31-21(?) and col. 9, lines 36-39. The undersigned has reviewed these cited sections numerous times and simply fails to see how these sections demarcate member customers from non-member customers of an institution providing the notification system. Langseth does teach that third party affiliates may be used to refer customers to the subscription service, but these “referred customers” are incorrectly defined by the Office as non-member customers. These “referred customers” are provided with as many event choices as direct subscribers to the generic subscription service. In fact, referring to the subscription process for the “referred customers” which is described with respect to Figure 18, it is clear from Step 904 that the “referred customers” go through the same subscription process with the subscription service as the direct subscribers (see Figure 3). Additionally, if anything, the “referred customers” may have access to additional services not offered by the subscription service to the direct subscribers. Such services being add-ons offered by the referring affiliates to their customers.

The Office also refers to Col. 25, line 59 through Col. 26, line 35 as disclosing how services are defined through the affiliates. The undersigned has reviewed these portions of Langseth, but fails to see how this disclosure anticipates the identified limitations in claims 1 and 7. At most, these paragraphs in Langseth describe how the affiliates interact with their

customers. There is no status determination between member and non-member customers. Nor is there prompting of the customer to select an event, wherein member customers have more event choices than non-member customers.

Regarding independent claim 8, the Office asserts the following limitations are anticipated by Langseth:

- a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source
- a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time

The Office maintains that Langseth discloses “a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source” since an affiliate financial institution may provide financial information to an information source channel database. The undersigned agrees that this qualifies as financial information from an **external source**. Where Langseth is lacking is the disclosure of **financial information** from an **internal source**. It is not at all surprising that this teaching would be lacking since the generic notification system is not itself a source of financial information since it is not a financial institution. The Office attempts to argue that the phrase “other informational and/or transaction data” equates to financial information from an internal source, but this argument clearly fails since Langseth does not describe this data as being financial data.

The Office submits that periodic billing equates to “a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time.” With all due respect, periodic billing by the subscription service is not the same as generation of customer requested reports describing notification messages sent within a customer selected time period. Similarly, the reference to report generation cited on

Page 9 of the Final Office Action also does not even come remotely close to disclosing the claimed limitation.

Regarding independent claims 19 and 23, the Office asserts the following limitation is anticipated by Langseth:

- receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution

The Office's arguments with respect to the limitation "receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution" track those recited with respect to claim 8. Namely, the Office points to the section of Langseth that describes the population of data channels with financial information by an affiliate financial institution. Again, while the undersigned admits that this is an example of an outside source of financial information, no inside source of financial information has been described. Further, the host of the notification system is never described in Langseth as being a financial institution. At most, an affiliate is a financial institution. The host of the generic notification system is never described in Langseth as being associated with any particular industry other than through affiliates and thus would not be the source for industry specific information, e.g., financial, product, etc.

Hence, the Office fails to establish a *prima facie* case of anticipation for independent claims 1, 7, 8, 19, and 23. For at least these reasons, independent claims 1, 7, 8, 19, and 23 as well as all claims depending therefrom, are allowable over the cited art. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered and withdrawn.

(B) The rejection of claims 4 and 18 under 35 U.S.C. §103(a) as being unpatentable over Langseth in view of Rajan is improper.

Rajan fails to cure the deficiencies in the teachings of Langseth. Therefore, for at least the reasons set forth above, dependent claims 4 and 18 are allowable over the cited art.

(8) Claims Appendix

1. (Previously Presented) A method for notifying a customer of at least one requested event comprising:

providing the customer with access to a notification system, including,

(i) determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system,

(ii) generating access data for the customer, and

(iii) prompting the customer for the access data;

prompting the customer to select at least one requested event, wherein a member customer is provided with more event choices than a non-member customer;

storing the customer's at least one requested event selection in a first database;

prompting the customer to select at least one method of notification;

storing the customer's at least one method of notification selection in the first database;

prompting the customer to select at least one time for notification;

storing the customer's at least one time for notification selection in the first database;

receiving trigger data from at least a second database into the notification system that triggers the at least one requested event;

formulating a notification message that includes information about the at least one requested event; and

sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

2. (Original) The method according to claim 1, further comprising prompting the customer to select a method of payment for using the notification system.

3. (Original) The method according to claim 2, wherein only non-member customers are prompted to select a method of payment for using the notification system.

4. (Original) The method according to claim 1, wherein at least the steps of providing the customer with access to a notification system, prompting the customer to select at least one requested event, prompting the customer to select at least one method of notification, and prompting the customer to select at least one time for notification are performed by a customer service representative.

5. (Original) The method according to claim 1, wherein the second database contains customer-specific financial account information.

6. (Original) The method according to claim 5, wherein the customer is a non-member customer.

7. (Original) A system for notifying a customer of at least one requested event comprising:

means for providing the customer with access to a notification system, including,

(i) means for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system,

(ii) means for generating access data for the customer, and

(iii) means for prompting the customer for the access data;

means for prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer;

means for storing the customer's at least one requested event selection;

means for prompting the customer to select at least one method of notification;

means for storing the customer's at least one method of notification selection;

means for prompting the customer to select at least one time for notification;

means for storing the customer's at least one time for notification selection;

means for receiving trigger data from at least a second database into the notification system that triggers the at least one requested event;

means for formulating a notification message that includes information about the at least one requested event; and

means for sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification.

8. (Original) A system for notifying a customer of at least one requested event comprising:

means for generating a customer's financial notification preferences which include,

- (i) at least one requested event,
- (ii) a customer's notification method preferences, and
- (iii) a customer's time for notification preferences;

a database containing the customer's financial notification preferences;

a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source;

a notification message generator for comparing the at least one requested event with the financial information and generating a notification message when the financial information matches the at least one requested event;

a notification gateway for sending the notification message to the customer according to the customer's notification method preferences and time for notification preferences; and

a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time.

9. (Original) The system according to claim 8, wherein the at least one requested event is related to one of the following group consisting of a customer checking account, a customer savings account, a customer financial portfolio, a customer credit card, stock quotes, foreign exchange rates, interest rates, and loans.

10. (Original) The system according to claim 8, wherein the customer's notification method preferences are selected from the following group consisting of electronic mail, hypertext mark-up language, pager, mobile phone text messaging, extensible mark-up language, facsimile, short message service, and telephone.

11. (Original) The system according to claim 8, wherein the customer's notification time preferences are selected from the following group consisting of instantaneously, hourly, daily, weekly, and monthly.

12. (Original) The system according to claim 8, wherein the at least one internal source is a financial institution that is hosting the system.

13. (Original) The system according to claim 8, wherein the at least one external source is the Internet.

14. (Original) The system according to claim 8, wherein the at least one external source is a financial institution that is not hosting the system.

15. (Original) The system according to claim 8, wherein customers are identified in the first database as being either member customers or non-member customers.

16. (Original) The system according to claim 15, wherein the at least one external source is a non-member customer's financial institution.

17. (Original) The system according to claim 8, wherein the financial information includes customer's checking account balance, customer's savings account balance, customer's portfolio value, stock quotes, and interest rates.

18. (Original) The system according to claim 8, wherein the means for generating a customer's financial notification preferences includes a customer service representative.

19. (Original) A method for formulating an alert message containing financial information for a customer comprising:

storing an alert prompt in a first database of a notification system hosted by a financial institution, wherein the alert prompt includes,

- (i) prompt details,
- (ii) a preferred method for notifying the customer of the alert message, and
- (iii) a preferred time for notifying the customer of the alert message;

receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the

incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution;

comparing the incoming financial information with the prompt details of the alert prompt in the first database; and

notifying the customer through the preferred method at the preferred time through an alert message when the prompt details match the incoming financial information.

20. (Original) The system according to claim 19, wherein the at least one internal source is a financial institution that is hosting the system.

21. (Original) The system according to claim 19, wherein the at least one external source is the Internet.

22. (Original) The system according to claim 19, wherein the at least one external source is a financial institution that is not hosting the system.

23. (Original) A method for notifying a customer of at least one requested event comprising:

providing the customer with access to a notification system, including,

(i) determining a status of the customer as a member customer or a non-member customer of a host institution providing the notification system,

(ii) generating access data for the customer, and

(iii) prompting the customer for the access data;

prompting the customer to select at least one requested event, wherein the member customer is provided with more event choices than the non-member customer;

prompting the customer to select at least one method of notification;

prompting the customer to select at least one time for notification;

formulating an alert prompt wherein the alert prompt includes,

(iv) the at least one requested event,

(v) the customer's at least one method of notification, and

(vi) the customer's at least one time for notification;

storing the alert prompt in a first database of the notification system;

receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host institution;

comparing the incoming financial information with the at least one requested event of the alert prompt in the first database; and

sending a notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification when the at least one requested event matches the incoming financial information.

(9) Evidence Appendix

None

(10) Related Proceedings Appendix

None


CONCLUSION

For at least the reasons given above, the rejections of claims 1-23 are improper. Appellants respectfully requests the final rejection by the Examiner be reversed and claims 1-23 be allowed.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1458, and please credit any excess fees to such deposit account.

Respectfully submitted,

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